

BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA  
DOCKET NO. 2005-241-C – ORDER NO. 2006-123  
FEBRUARY 27, 2006

IN RE: Request for Extended Area Service in York ) ORDER GRANTING  
County ) MOTION FOR  
 ) CONFIDENTIAL  
 ) TREATMENT

This matter comes before the Public Service Commission of South Carolina (the Commission) on the Motion of the Office of Regulatory Staff (ORS) for this Commission to treat specific materials filed in the present proceeding as confidential. The Commission has determined that the Motion of the ORS should be granted.

By Order No. 2005-463, the Commission instructed the ORS to study the costs of countywide toll-free calling in York County and available alternatives and to provide recommendations to the Commission concerning disposition of the pending proceeding. On February 6, 2006, the ORS filed a Report of its study and filed a Motion requesting confidential treatment of materials contained in the Report.

The ORS states in its Motion that as part of its investigation, the ORS requested certain information from telecommunications companies operating in York County and that the companies provided data and related backup documentation to the ORS as requested. According to the ORS, the telecommunications companies deem the data provided to the ORS as confidential as it contains information regarding the companies'

respective operations. The ORS asserts that the companies additionally believe it is not appropriate to make detailed information regarding the companies' operations publicly available and that access to this information could give actual and potential competitors an unfair competitive advantage.

Pursuant to the Commission Order No. 2005-226, "Order Requiring Designation of Confidential Materials", issued May 6, 2005, the ORS delineates in its Motion the material for which the ORS seeks confidential treatment and files such information in a separate package clearly marked "confidential." Additionally, pursuant to Order No. 2005-226, the ORS files redacted non-confidential versions of the materials.

A review of the materials in question establishes that the materials do provide detailed information concerning certain telecommunications companies' business practices which are sensitive. The South Carolina Freedom of Information Act ("FOIA") allows exemption from disclosure proprietary business information that meets a definition of "trade secrets." S.C. Code Ann. Section 30-4-40(a)(1) states that matters which may be exempt from FOIA include: "(1) Trade secrets, which are defined as unpatented, secret, commercially valuable plans, appliances, formulas, or processes....Trade secrets also include, for those public bodies who market services or products in competition with others, feasibility, planning, and marketing studies, and evaluations and other materials which contain references to potential customers, competitive information or evaluation."

We find that the information for which the ORS seeks protection as confidential falls within this definition of materials which may be exempted from disclosure under

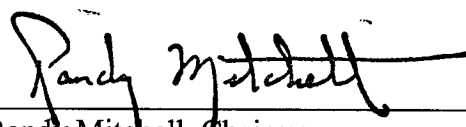
FOIA. Furthermore, in light of the current telecommunications environment, we find it is not appropriate to make detailed information regarding a party's operations publicly available. We further find and conclude that making the information contained in the ORS's Report publicly available could give actual and potential competitors an unfair competitive advantage. Accordingly, the ORS's Report filed in the instant docket is declared confidential and shall be afforded confidential treatment.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED THAT:


1. Confidential materials clearly delineated in its Motion and filed with the Commission by the Office of Regulatory Staff in the present docket shall be afforded confidential treatment.

2. This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:

  
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Randy Mitchell, Chairman

ATTEST:

  
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G. O'Neal Hamilton, Vice Chairman

(SEAL)